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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 29th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 2 April 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.20 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/2001/31*-36, 37 and Corr.1, 38, 39, 40 and Add.1, 41, 42, 43 and Add.1, 44, 45 and Add.1 and Corr.1, 47 and Add.1 and Corr.1, 48, 107, 119, 122, 124, 127-129, 131, 132, 135, 140, 144, 149 and 150; E/CN.4/2001/134-E/CN.4/Sub.2/2001/3 and Add.1-3; E/CN.4/2001/NGO/8, 13, 29, 51, 75, 81, 85-89, 114, 121-124, 129, 136, 153, 156-158, 176, 180, 183-186; E/CN.4/Sub.2/2000/8; A/55/269; A/C.3/55/5)

1. Mr. ATTAR (Saudi Arabia) said that his country was committed to the protection of human rights and human dignity in accordance with its Constitution which enshrined the principles of Islam. Recent achievements with respect to the consolidation of the universal concepts of human rights included: the ratification of several core human rights instruments; respect for the reporting obligations thereunder; the establishment of a human rights ombudsman (to raise public awareness of human rights regulations and call for the punishment of infractions); and approval for the early establishment of a human rights machinery within the Government.

2. In order to ensure that politicization of the Commission's work did not prejudice future international cooperation in the field of human rights, all delegations must attempt to engage in a constructive dialogue without levelling accusations against one another. The European Union, in particular, had made allegations against Saudi Arabia which lacked credibility and failed to take account of the country's particularities and of the fact that, in applying its laws, the Government was seeking merely to protect the security and stability of its citizens and foreign residents. The accusations also disregarded the progress made by his country in strengthening human rights. Not only were such allegations counterproductive, they also risked undermining the Commission's work.

3. Saudi Arabia was governed by the Islamic shariah, which was vested with a degree of sanctity and respect that endowed it with universality, comprehensiveness and irrevocability. Moreover, the State's belief in Islam as a divinely revealed law and mode of life had preceded the drafting of any human rights instruments. The country's conventional obligations were thus based on Islam, and its legitimate reservations to treaties were motivated by the incompatibility of certain provisions with its national legislation. His Government did, however, wish to reaffirm its commitment to the international human rights instruments. The country believed in dialogue, and accepted constructive criticism made in a spirit of cooperation.

4. The people of Saudi Arabia were proud to be Muslims, and proud of their adherence to the human rights principles enshrined in the shariah. His delegation thus called upon others to respect that particularity and not to indulge in exaggerated criticism which did not serve the Commission's lofty purposes and principles.

5. Ms. KUNADI (India) said that selection of the right approach in dealing with the item under discussion was crucial to the Commission's credibility and effectiveness. Selectivity resulting from politicization, and tension generated by condemnation, resulted only in acrimony and confrontation. States must certainly remain accountable, but more sustainable results might be achieved by encouraging self-criticism and inducing positive change through technical cooperation and national capacity-building to safeguard democracy and the rule of law. Marginalizing or ignoring sovereign States would merely pave the way to international anarchy.

6. The complexity, vastness and diversity of her country posed gigantic challenges, but independent India had provided an example of democratic organization of an intensely pluralistic society. Federal and secular polity had evolved to accommodate diversity, and democratic national institutions were constantly being strengthened. Not only could India boast an independent judiciary, but civil society had grown steadily, independent media had been consolidated and national human rights mechanisms had been established.

7. Her Government placed particular emphasis on empowering women and other vulnerable groups, raising literacy levels, spreading the benefits of economic growth, strengthening the rule of law and outlawing religious intolerance. The elimination of harmful traditional practices, including caste-based discrimination, remained a national priority.

8. No country could claim to have solved all its problems in the human rights field. In India, there had been instances where economic and social grievances had manifested themselves in violent forms, in some cases instigated and supported from abroad. Her Government's approach was to address the underlying causes and to search for political solutions through democratic institutions.

9. It was necessary to be vigilant to factors which threatened democracy. To that end, the Commission should pay particular attention to military dictatorships, the export of terror, the mistaking of authoritarianism for efficiency, distortions of religious values and the camouflaging of wars against other States as liberation movements. Such phenomena undermined the peaceful enjoyment of human rights by all. For its part, her delegation was willing to engage constructively with others for the promotion and protection of the human rights its Government honoured, upheld and cherished.

10. The grave violations of human rights in Afghanistan threatened the stability of the entire region. As revealed in the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/2001/43), the Taliban sought to rule without the participation or consent of the people and had plunged the territories under their control into the Dark Ages. The plight of women and girls continued to be pitiable. Moreover, the deliberate destruction of the Bamiyan Buddha statues by the Taliban, and the ongoing destruction of other relics and monuments constituted an appalling act of cultural vandalism.

11. The Taliban's ally had recently made a dangerous suggestion to the Commission, appealing to the international community to engage with the Taliban on the grounds that they were "a reality". That reality would have been quite different had it not been for the full support accorded by the country in question to that regime.

12. Mr. GALLÓN (Special Representative of the Commission on the situation of human rights in Equatorial Guinea), introducing his report (E/CN.4/2001/38) which provided an analysis of the persistent and grave human rights situation in Equatorial Guinea, said that the recommendations of his predecessors had still not been implemented. Moreover, the Government had failed to respond to his request to visit the country in 2001, although it was purportedly ready to receive him in the company of the thematic rapporteurs.

13. The events that had occurred since the publication of its report did not alter its conclusions. In late December, presidential clemency had been granted to a number of prisoners; in February, a constitutional tribunal had been established; a congress of opposition parties had been convened, but a party militant had been detained and put under pressure to join the Government party; in January, the mayor of Malabo had been exiled to Spain and had given up the leadership of his party; in February, the mayor's successor had arrested taxi drivers for not attending a meeting he had convened, and had ordered the closure of the national press association.

14. As a number of delegations had stated, technical assistance to the Government must be contingent on efforts to address human rights problems. Given that the grave human rights situation in the country had persisted since 1979, the Commission must not fail to act. It should renew his mandate as Special Representative and adopt additional safeguards to ensure that the Government implemented his recommendations and cooperated with all aspects of the mandate.

15. Mr. MANGUE (Observer for Equatorial Guinea) said that his country had achieved its independence in 1968 thanks to United Nations principles which were evidently not shared by all. The country had cooperated with the Commission since 1979; its Government's activities were geared towards the promotion of human rights, sustainable development and the "defence of humanity". Certain deficiencies remained, but Equatorial Guinea was free, pluralistic and on the road to genuine development.

16. His delegation wished to express its total disagreement with the far-fetched report of the Special Representative, which was merely a part of the ongoing neo-colonial campaign against his country. It contained gratuitous affirmations, as representatives of international bodies familiar with his country would confirm. His Government had never refused a visit by a special rapporteur or special representative. Moreover, technical assistance was surely a prerequisite for human rights monitoring.

17. Achievements of his Government in the human rights field included: the adoption of a national programme of governance with the support of the United Nations Development Programme (UNDP) in which the Government had committed itself, inter alia, to ratifying and applying the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; it had already ratified a number of International Labour Organization (ILO) conventions. The previous year, presidential pardons had been granted to 50 of the country's 85 prisoners, including a terrorist priest.

18. The country was a "model of pluralism", for there were currently 13 opposition parties in existence and the political life of the country was characterized by peace and stability. Moreover, freedom of expression had been increased, with several newspapers reflecting opposition views ...

19. The CHAIRPERSON said that the speaker had exceeded his allotted time.

20. Mr. I. HUSSAIN (Pakistan) drew attention to a number of steps that had been taken in his country during the past year to promote human rights, including the establishment of a Commission on the Status of Women, adoption of a National Policy for the Elimination of Child Labour and the elimination of the un-Islamic practice of so-called honour killings. However, lack of resources was a constant problem which his Government sought to address by involving civil society and the business sector, by reducing its external and domestic debts and by moderating defence expenditure.

21. Unfortunately, while Pakistan had reduced its defence budget, India had done the opposite and had embarked on the development of nuclear and other weapons. His Government had proposed the negotiation of a regime involving restraint in the nuclear and conventional arms field and the resolution of outstanding disputes, especially Jammu and Kashmir, and had invited the leadership of the Kashmiri people to Pakistan, hoping thereby to give impetus to a process of dialogue.

22. Unfortunately, India continued to refuse to resume the dialogue and had not allowed the Kashmiri leaders to visit Pakistan. It was persisting in its campaign of brutal repression in Kashmir. A just and peaceful solution of the Kashmir dispute would be impossible as long as India sought to impose a military solution. The Commission should therefore seek to convince India to give up its strategy of force in Kashmir and urge it to commence the dialogue with Pakistan.

23. Mr. MOHAMED (Kenya) said that, after listening to the reports on the human rights situations in various countries, she had concluded that the situation in most countries had improved considerably. According to the reports, the violations were due more to inadequate institutional capacity (courts, prisons and police) and absence of legislation, than to deliberate government policy. It was her view, therefore, that those countries needed encouragement and technical and financial assistance.

24. She had been greatly encouraged to hear about the measures that the Government of Rwanda was putting in place to address its problems and was hopeful concerning the situation in the Democratic Republic of the Congo and Burundi, where an atmosphere of reconciliation was emerging. She was, however, concerned at the situation of Equatorial Guinea and urged the Government of that country to implement the Special Representative's recommendations.

25. The situation in Afghanistan was a cause for grave concern. The Taliban's harbouring of terrorists, including those responsible for terrorist bombings in her own country, should not be tolerated.

26. Lastly, the partners in Cyprus should be encouraged to find a settlement within the framework of Security Council and General Assembly resolutions.

27. Mr. KHORRAM (Observer for the Islamic Republic of Iran), noting the report on the situation in his country (E/CN.4/2001/39), welcomed the positive comments made by certain delegations and non-governmental organizations (NGOs). Certain ambiguities and misrepresentations must, however, be clarified.

28. The serious efforts made by his Government to strengthen human rights, democracy and good governance were evidenced in a number of achievements: nationwide elections to local councils; judicial reform; trials of serial murderers; support for the establishment of more NGOs; consolidation of national machinery to monitor the human rights situation and the implementation of the Constitution; promulgation of legislation to strengthen civil rights; empowerment of women; and the furthering of technical cooperation with the Office of the High Commissioner for Human Rights (OHCHR). The number of newspapers and periodicals had been increased by over 90 per cent as a result of government efforts to promote freedom of expression. The previous year, 30 publications (out of a total of 1,582) had been prosecuted for violating regulations, but none had been permanently closed down.

29. His Government would welcome another visit by the Special Representative as soon as the European Union answered the appeal of many countries and agreed to terminate the monitoring system and engage in fruitful cooperation to promote human rights. By annually tabling an unfair and politically motivated draft resolution on the situation in Iran, the European Union disregarded the positive political and social developments in the country, as well as the strengthening of religious populism, democracy and pluralism and the determination of the people, its leader and all branches of government to further national reforms.

30. Further marked improvements in the political system, including the strengthening of democratic institutions, would become apparent following the presidential elections in May 2001. He thus urged all interested parties, including Governments and NGOs, to adopt a realistic approach to the situation and encourage those dynamic and irreversible developments. In view of his country's many human rights achievements, its continued inclusion on the Commission's agenda had no basis. If the Commission wished to preserve its credibility and act constructively, it should express appreciation for the efforts of the Iranian Government. Politicization and confrontation would act as an obstacle to further achievements.

31. Mr. RI Chol (Observer for the Democratic People's Republic of Korea) said he noted that every year, the United States, a country that had not acceded to some of the major human rights instruments and where gross violations such as child abuse, racial discrimination and police brutality were commonplace, accused other countries of human rights violations. It was clear that countries were being selected for criticism because of the policies they pursued rather than the human rights situation of their people. The members of the Commission should put an end to that confrontational approach to human rights and work together so that the Commission could become an impartial mechanism for dialogue, cooperation and genuine prevention.

32. Mr. MENGESHA (Observer for Ethiopia) said that, following two years of tragic conflict triggered by Eritrea's unprovoked aggression against Ethiopia, the two countries had signed a Cessation of Hostilities Agreement and a Peace Agreement on 18 June 2000 and 12 December 2000, respectively, under the auspices of the Organization of African Unity (OAU). Whereas his Government had redeployed its forces as agreed, the Eritrean Government had halted the repositioning of its forces, thereby once again placing a stumbling block in the path of the ongoing peace effort.

33. Ethiopian nationals in Eritrea continued to suffer untold misery. Many had been deported or were being held in concentration camps that were not open to international scrutiny. He therefore appealed to the international community to put pressure on the Eritrean regime to halt its barbarous treatment of Ethiopian nationals and to abide by the agreements it had signed.

34. Mr. GAKWANDI (Observer for Uganda) said that the report on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/2001/40 and Add.1) contained a number of inaccurate affirmations. According to paragraph 22, the mineral riches of the Democratic Republic of the Congo had been so depleted by foreign troops that the Security Council had appointed an expert panel on the subject. In fact, the panel had been appointed to investigate allegations of illegal exploitation of such resources; it had not yet reached any conclusions and had asked for additional time to gather the facts.

35. Another disturbing statement was that Ugandan troops had encouraged ethnic conflict between the Balendu and the Bahema communities (para. 31). No source was cited and no evidence provided. It was further stated that the Bahema originated in Uganda and that they were more recent arrivals in the area. Not only was that a dangerous thing to say but it was in any case out of place in a human rights report. There was, in fact, no ethnic community called Bahema in Uganda, the entire group being found in the Democratic Republic of the Congo. There was an ethnic community called the Lendu which shared a cultural and linguistic identity with a group of a similar name in the Democratic Republic of the Congo. It could not be said, however, that they had originated from one or other of the countries involved, since they had been in occupation of their lands before those countries existed. Moreover, Ugandan troops had played an important role in checking the conflict as was acknowledged in paragraph 27 of the Secretary-General's report (S/2001/128).

36. Lastly, paragraph 117 referred to Uganda's alleged recruitment of Congolese children into its army. In fact, Uganda had invited the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) to the camp where those children were being looked after and had handed them over for resettlement.

37. While his Government would support the Commission in its efforts to help improve the situation in the Democratic Republic of the Congo, it hoped that nothing would be done on the basis of the recommendations contained in the current report.

38. Mr. TEKLE (Observer for Eritrea) said that his delegation had informed the Commission at its last three s ions of the systematic violation of the human rights of Eritreans and Ethiopians of Eritrean origin living in Ethiopia, yet those warnings had not been heeded and

Ethiopia had invaded Eritrea for the third time and was occupying large areas of sovereign Eritrean territory. His delegation was thus currently informing the Commission not about violations of human rights in Ethiopia nor even about violations in contested areas, but about atrocious crimes committed in occupied territories.

39. Ethiopian forces had used shelling and bombing to kill and maim entire families and to destroy homes, schools, mosques, churches, hospitals, reservoirs, food stores and crops. Most of the population had fled to safer areas of Eritrea, while the rest had been driven out by ground troops.

40. The most serious victims were children, women and the elderly: children had been separated from their parents or deported to Ethiopia to work as slave labour in Tigray; women, some as young as 11 or 12, had been gang-raped by men in uniform while their families were forced to watch; other young girls had been abducted by soldiers as sex slaves.

41. Evidence his delegation had presented to the Commission proved beyond doubt that the crimes were not those of isolated military or security units but part of an organized campaign of terrorism planned in advance of the outbreak of hostilities and meticulously executed during and after the invasion.

42. The international community could not possibly claim that it had not been alerted to the situation, yet nothing had been done apart from some early, perfunctory statements of disapproval by some Governments and by the High Commissioner for Human Rights. The human rights mechanisms had been noticeably silent. Eritreans would nevertheless remain committed to the cause of human rights and the promotion of a climate of tolerance; they were also determined to eliminate the culture of impunity and would do what was necessary to bring to justice those who had planned, executed and knowingly defended the committing of crimes and atrocities.

43. Mr. BARREIRO (Observer for Paraguay) expressed his delegation's sincere concern at the persistent and unresolved situation of human rights in Cyprus, despite numerous United Nations resolutions, including resolutions of the Commission, none of which had so far been implemented. He wished to appeal to the parties involved so that, in accordance with the norms of international law and through a process of frank and sincere dialogue, they might arrive at a just and peaceful solution to the dispute, with a genuine and sincere commitment to the achievement of full and complete implementation of human rights and fundamental freedoms in Cyprus.

44. Mr. VAHABZADA (Observer for Azerbaijan) said that Armenia had occupied and was still holding 20 per cent of the total territory of Azerbaijan, including the region of Nagorny Karabakh and other territory four times as large as that region. Azerbaijan had one of the biggest populations of displaced persons in the world: approximately one out of every eight people in the country was internally displaced or a refugee. To prevent such persons from returning to their places of origin, the Government of Armenia had signed a cooperation agreement with the puppet regime of the occupied Nagorny Karabakh region

on 5 September 2000 to increase the population of that region to 300,000 within a decade. About 5,000 citizens of Azerbaijan were listed as missing, and the problem was of deep concern to his Government.

45. The Armenian Diaspora's selfless devotion to its nation's interests took the form of supporting crimes of aggression and international terrorism. Some European parliaments had recognized the mythical Armenian genocide, which was based on historical falsification.

46. His delegation was engaged in consultations regarding the possible submission of a draft resolution connected with the continuing occupation of Azerbaijani territories. It counted on broad support for the draft resolution within the Commission.

47. Mr. GARRETÓN (Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo) said that his statement had prompted two responses, from the observers for the Democratic Republic of the Congo and Uganda respectively. He did not share the assessment of the first regarding the primacy in the Democratic Republic of the Congo of international law over domestic legislation: the fact that military courts handed down judgements within 48 hours, for example, was completely contrary to the International Covenant on Civil and Political Rights. It was regrettable that so many NGOs had not been invited to take part in the preparatory work for the National Conference on Human Rights, an omission that prejudiced the democratic nature of that work. As for the National Action Plan, the delegation of the Democratic Republic of the Congo was quite correct. In his report, which he had drafted in Spanish, he had indicated the existence of the plan but had made the point that it still had to be implemented and made operational. The translation of his report had made it seem that he was asking the Government to draw up such a plan; that was clearly not the case.

48. Turning to the comments by the observer for Uganda, he said that he had made two visits to that country, the second lasting 15 days. He had visited the Democratic Republic of the Congo on eight occasions under his mandate, and had received between 10 and 15 reports every day on the situation there. With his own eyes he had seen foreign aircraft being loaded up with Congolese children to be taken to Uganda and Rwanda. The observer for Uganda had effectively confirmed what he had stated in his report, namely that a group of about 700 young Congolese had been flown to a military training camp in Uganda, and that 163 of them were children under the age of 18. That fact had been denied by the Government of Uganda both to UNICEF and to the Secretary-General of the United Nations. UNICEF had found the children, however, and made the Government of Uganda put them in separate facilities and agree to return them to the Democratic Republic of the Congo. Until a fortnight previously, however, that return had not taken place.

49. As for the conflict between the Bahema and Balendu, he urged the observer for Uganda to read the addendum to his report (E/CN.4/2001/40/Add.1), about a third of which was devoted to the subject. In it he had made clear that there had been incitement to ethnic conflict on the part of the Ugandan occupation forces; that was proved by the fact that the Governor of Ituri, who had been appointed by General Kazini, a Ugandan, had incited the Bahema to confront the Balendu. By 19 January 2001, some 400 people were dead as the direct result of the presence on Congolese territory of a Ugandan helicopter which, between 8 and 18 January 2001, had bombed Balendu small towns and villages.

50. Ms. FRACHEBOURG (New Humanity) said that her delegation, which brought together young people from Switzerland and France dedicated to building a united world, had come to thank the Commission for what it was doing for young people and their future. The members of her organization drew their strength from God and found that, if they lived by the precept of doing to others what you would have them do to you, they were in fact respecting fundamental rights. Whenever differences divided them, they sought that which united them so as to overcome prejudices and misunderstanding. Everything was possible if one looked for the good in others.

51. Ms. SEBASTIEN (New Humanity) said that, during the Gulf war, someone in her organization had had the idea of a worldwide "time out": every day at noon Swiss time they would all stop for one minute of silence and prayer for peace in all the countries that were suffering. That practice was still continuing. New Humanity had launched some 20 microprojects throughout the world, and was supporting about 5,000 children and young people.

52. Mr. TENDAR (International Union of Socialist Youth) said that he had been imprisoned in Tibet for 19 years for defending the rights of the Tibetan people in the face of foreign oppression. He had escaped in 1998, but the suffering of the Tibetan people continued. According to human rights organizations, there were currently more than 400 known political prisoners in Tibet. More than 25 had died in the past three years as a result of torture. All four members of his family and all seven members of his wife's family had died as a direct result of China's military occupation of Tibet.

53. When in detention, he had seen fellow prisoners die of starvation, torture, forced labour and severe conditions. He had lost count of the number of beatings he had received. In various prisons he had been forced to watch the summary execution of, in all, 27 Tibetans. There were no human rights in Tibet to speak of, and the Commission, if it were truly concerned about human rights and fundamental freedoms, should adopt a resolution calling on China to stop its abuse of human rights there.

54. Mr. LABRADA ROSABAL (Centro de Estudios sobre la Juventud) said that the rich world did not recognize that the causes of underdevelopment and poverty in the developing world were the slavery, colonization, brutal exploitation and pillage to which its peoples had been subjected. They regarded the people of the developing countries as inferior and considered that they were poor because they were incapable of governing themselves.

55. It was necessary to unite in order to compel the dominant Powers, led by the United States of America, to give genuine assistance for development, rather than increase the external debt of the developing countries through globalization and neo-liberalism. The United States blockade of Cuba, which was still flourishing, had had serious consequences for all Cubans, especially the young. It had cut off Cubans from their family members in the United States and cut off the country from the international financial institutions. It was necessary to continue the fight against the imperialist system on behalf of the majority of the world's people.

56. Mr. GANIATSOS (Marangopoulos Foundation for Human Rights) said that, for almost 27 years, the Turkish occupation forces in northern Cyprus had been systematically violating the human rights and fundamental freedoms of all Cypriots. Turkey continued to ignore United Nations resolutions, as well as a judgement of the European Court of Human Rights.

57. The Greek Cypriot population of the occupied areas had dwindled from 200,000 to barely 300 in what was a clearly a case of ethnic cleansing. At the same time, Turks from Anatolia were being systematically transferred to the occupied territories and settled in the stolen houses and properties. It was a blatant attempt to alter the demographic composition of Cyprus, and constituted a flagrant violation of the Fourth Geneva Convention.

58. The human rights of Turkish Cypriots were also being violated by the occupying Power: they had no right to visit government-controlled areas and to meet Greek Cypriots, some of whom were their relatives. They could not form a political party expressing the view that Cyprus should be united once again under a single administration. Their property and their economic output were used to cover the costs of the occupation as well as of the inflow of settlers from Anatolia.

59. If Turkish troops had invaded Cyprus to save the Turkish Cypriots from hardship and to uphold their rights, it was difficult to explain why more than a third of the Turkish Cypriots from the northern part of Cyprus had left the island since 1974 in search of that elusive better life which had been promised them. The recent riots had shown that those who remained wanted Mr. Denktash to step down as their "leader" and the Turkish army to withdraw from the island.

60. The Turkish occupation forces also continued systematically to destroy and loot churches, monasteries and other monuments. The Cyprus problem was not just a Greek-Turkish dispute: it was an issue that was related to everything the United Nations and the Commission stood for. Its solution on the basis of United Nations resolutions would put an end to a situation which was detrimental to both communities.

61. Mr. CASTILLO BARROSO (Movimiento Cubano por la Paz y la Soberanía de los Pueblos) expressed his outrage at the repeated use by the United States of weapons containing depleted uranium inter alia in Iraq, the Balkans and, with the complicity of the North Atlantic Treaty Organization (NATO) forces in Kosovo. It was ironic that weapons containing radioactive matter had been used in what was euphemistically termed a "humanitarian" war. The Government of the United States and its allies should be roundly condemned, brought before an international tribunal and made to pay compensation for the damage they had done.

62. Mr. MUSAVULI (Agir Ensemble pour les Droits de l'Homme) said that, in conjunction with a the Congolese NGO called Asadho, his own organization had published a report on the situation of Congolese populations living in the territories of Beni and Lubero on the border between the Democratic Republic of the Congo and Uganda. Asadho investigators had reported dozens of cases of disappearances and summary executions.

63. In the border area concerned, the Ugandan army was fighting against a Ugandan rebellion - the NALU/ADF - whose activities had served as Kampala's official motive for deploying its troops on Congolese territory. The Ugandan army and its Congolese allies generally attributed all such crimes to the rebels, but the investigations carried out by Asadho, had revealed active involvement on the part of the Ugandan army, which had not hesitated to use weapons against unarmed civilians.

64. In November 2000, the Ugandan military had set fire to houses in which a number of inhabitants, had been burnt alive; Ugandan soldiers had also killed seven civilians, five of them women. A village chief had been abducted and released a few days later, but there was still no news of an 18-year-old who had been abducted with him.

65. Captain, Balikudembe of the Ugandan Army, and the rest of the Ugandan soldiers deployed in the Democratic Republic of the Congo continued to enjoy total impunity. His organization urged Uganda to withdraw rapidly and completely from the Democratic Republic of the Congo.

66. Mr. CASTRO (Organization of Solidarity of the P ples of Africa, Asia and Latin America) said that, if the Commission were truly objective and impartial, it would be discussing the United States denial of independence to Puerto Rico, the unjustified delay in the referendum in Western Sahara, the opposition of the United States and Israel to the establishment of the independent State of Palestine and the compensation owed by the West to the less developed countries for the centuries of plundering. The clearest illustration of the politicization of the debate was the case of Cuba. Any moderately impartial observer could see that the only real impediment to the Cuban people's enjoyment of their human rights was the economic blockade the United States had imposed on that country for the past 40 years.

67. Mr. SAFA (Arab Organization for Human Rights) said that he was in a position to inform the Commission of the plight of Lebanese prisoners in Israeli-occupied Lebanon. The closure of the Al Hayam prison had been a step forward, but 14 Lebanese citizens were still being held in defiance of Security Council resolution 425 (1978). They were clearly being held as bargaining chips and three Israeli citizens had been captured in order to put pressure on the Israeli Government.

68. Since 1982, 12,000 Lebanese nationals had been tortured and subjected to psychological pressure. Some 60 had died in custody and others on release from detention, while 4,000 former detainees were suffering from chronic illnesses. The country had been sown with 130,000 landmines, and the incidence of cancer in southern Lebanon had been increased by the Israel use of depleted uranium.

69. The Israeli Government should be required to pay compensation for the crimes that it had committed and release the Lebanese in its custody. United Nations representatives should be sent to investigate the situation.

70. Ms. WONG (Rural Reconstruction Nepal) said that fundamental human rights in Malaysia had not improved in the past year, despite the formation of the long-awaited National Human Rights Commission. Attacks on the opposition, activists and independent

media had intensified. The independence of the Malaysian judiciary was in question, following the unusually heavy sentences imposed on the former Deputy Prime Minister and his brother for alleged sodomy, despite the lack of evidence. Archaic legislation allowing for indefinite detention without trial continued to be used. Demonstrations calling for democratic reforms were brutally put down by the police. An opposition politician, whose case had come before the Commission before, had once again been arrested and massively assaulted while in police custody. A rally in November 2000 had been the occasion of dozens of serious injuries from police beatings and injured detainees had been denied medical treatment for over 24 hours.

71. In March 2001, six men of Indian descent had been murdered and scores had been hospitalized in a poor urban enclave near the capital. Racial harmony was fragile in Malaysia. Indeed, racism lay at the heart of Government. So-called "affirmative action" had been implemented in a racially discriminatory way. Race was so deeply institutionalized that it was a key factor in determining who benefited from development policies or business contracts. Racism was also manifest in the way that indigenous peoples were uprooted from their traditional homelands to make way for dams and other industrial projects. The Malaysian Minister for Foreign Affairs had told the Commission that racism must be combated. The Government should practise what it preached, bring the perpetrators of racist actions to court and ratify the International Convention on the Elimination of All Forms of Racial Discrimination.

Statements in exercise of the right of reply

72. Mr. MAHMOUD (Observer for Iraq) said that the statement by the representative of Pakistan, speaking on behalf of the Organization of the Islamic Conference (OIC), did not represent the Iraqi delegation's views of paragraphs 4 and 16 of Security Council resolution 1284 (1999).

73. Mr. MVUMBI (Democratic Republic of the Congo) said that the Special Rapporteur's assertion that international humanitarian law was not respected in his country was unfounded. The Government had ratified a number of international conventions, with which it had largely complied. Military courts had been set up in response to the war-time situation, but, as a result of a presidential decree some weeks earlier, civilians were no longer brought before them.

74. With regard to the alleged failure of NGOs to participate in the National Human Rights Conference, the Special Rapporteur had seen for himself the active participation of civil society in the Conference. It was not for the authorities to put pressure on any given NGO to participate. He requested a list of the 15 such organizations that had not participated so that a suitable response could be made.

75. The observer for Uganda should not judge other countries by the standards of his own: the presence of Ugandan troops in the Democratic Republic of the Congo was an act of aggression in contravention of international law. There was no doubt that Ugandan forces were responsible for the pillaging of the country's resources. With regard to the children enrolled into the Ugandan forces, his Government had demanded their repatriation, in which course of action it had requested help from UNICEF and the ICRC. Lastly, Ugandan involvement in exacerbating the conflict between the Balendu and the Bahema had been confirmed by several sources.

76. Mr. NAZARIAN (Observer for Armenia) said that the statement by the observer for Azerbaijan regarding the so-called Khojalu incident had reached the heights of cynicism. According to the President of Azerbaijan himself, that incident had been the responsibility of the Azerbaijani National Front, which had slaughtered civilians and subsequently prevented the exodus of the local population through corridors deliberately left open by the Armenians of Nagorny Karabakh. It had been the tragic consequence of an internal political power struggle, in which the opposition had hoped to instigate a popular uprising. For the observer for Azerbaijan to refer to genocide in that context was particularly offensive, since neither Azerbaijan nor Turkey had ever acknowledged the massacre of a million and half Armenians in 1915. An acknowledgement of the past by Turkey and Azerbaijan would help to break down the psychological barriers preventing neighbourly relations.

77. Mr. TEKLE (Observer for Eritrea) said that the statement by the observer for Ethiopia was designed to divert attention from his country's crimes against the people of Eritrea. Contrary to the allegation that Eritrea had violated the human rights of Ethiopians residing in Eritrea, all credible human rights reports had confirmed that there had been no politically motivated disappearances, no evidence of the torture or abuse of Ethiopians and that only a few Ethiopians remained in detention, solely for non-political crimes.

78. He cited a report by Amnesty International that Ethiopians resident in Eritrea had returned to Ethiopia through the pressure of unemployment or homelessness, not as a result of government policy and that Amnesty International could find no evidence to substantiate most of Ethiopia's claims of crimes against Ethiopians. In contrast, it stated that Ethiopia continued its policy of mass expulsions of Eritreans in cruel and inhuman conditions. Ethiopia did not deny committing such acts, but claimed that it had the right to deport any aliens it pleased.

79. Mr. TESHOME (Observer for Ethiopia) said that the allegations by the observer for Eritrea were outrageous and unfounded. The redeployment of Ethiopian forces, in accordance with the agreement signed between the two countries, had taken place ahead of schedule, as verified by the United Nations Mission in Ethiopia and Eritrea (UNMEE). There could be no invasion, as alleged by the observer for Eritrea, if no Ethiopian army was to be found in the territory claimed. The allegations of other human rights violations were the products of the Eritrean observer's usual habit of deceit and vilification. Such groundless allegations did not change the established facts of countless atrocities by the Eritrean regime against innocent Ethiopian nationals.

80. His delegation had previously appealed to the Commission to put pressure on the Eritrean regime to stop the inhumane treatment of Ethiopian nationals residing in Eritrea and the then occupied Ethiopian territories. The situation had subsequently become even worse. A large number of Ethiopians had been thrown into jail and hundreds had disappeared. Others had been killed and their bodies left by the roadside. The humanitarian condition of Ethiopian prisoners of war and civilian internees, had become a major concern for the Ethiopian Government. His delegation therefore once again appealed to the international community to halt the endless horrors being perpetrated against Ethiopians in Eritrea.

81. Mr. MUSAYEV (Observer for Azerbaijan) said that the observer for Armenia apparently misunderstood the function of the United Nations. He should familiarize himself with the position adopted by the Security Council, which had condemned the occupation of Azerbaijani territory and demanded the full and unconditional withdrawal of all occupying forces from the occupied areas.

82. As for the references to genocide, it was well known that for Armenia the term had long lost its legal meaning and become an abstract phenomenon, to an extent not easy for a normal intellect to grasp. It served, however, the purpose of justifying that country's own crimes. The fact was that Azerbaijanis had been driven from their historic lands since Armenians had started settling in Transcaucasia in the first half of the nineteenth century.

83. Mr. GAKWANDI (Observer for Uganda) said he wished to make it clear that the children found in Uganda were not part of a fighting force but fugitives from the Democratic Republic of the Congo, fleeing the conflict in that country. His Government had invited UNICEF, UNHCR and the ICRC to take charge of them. Its so-called "admission" of their presence in no way confirmed the allegation that they were members of the armed forces.

84. With regard to the allegation that Ugandan forces were exploiting the resources of the Democratic Republic of the Congo, since an expert panel appointed by the Security Council was currently investigating the matter, it was premature to draw any conclusions. The report contained no evidence of wrongdoing, only a conviction on the part of the Kinshasa authorities that Uganda and Rwanda could not continue to be involved in the conflict unless they were exploiting the country's resources. His Government would respect any conclusions reached by the panel of experts.

85. Mr. SUNGAR (Observer for Turkey) said that once again the observer for Armenia had referred to a fictitious genocide. The event in question, which had occurred 85 years earlier, had been a civil war within a global war and his country would never accept that it was a genocide.

86. Armenia adopted aggressive policies towards its neighbours. It had occupied vast areas of Azerbaijan and caused disaster for millions of people who had had to abandon their homes and lands. It also caused suffering to its own people. The country had the lowest standard of living among the Caucasian countries and human rights violations were rampant, particularly in the occupied territories of Nagorny Karabakh.

87. In Armenia, Governments did not change in response to votes of no confidence but following cold-blooded assassinations and hostage-taking in parliament. He therefore urged the Armenian Government to concentrate on its own human rights problems rather than accuse others of motives other than concern for human rights.

88. Mr. TEKLE (Observer for Eritrea) said that the statement by the observer for Ethiopia followed the principle that, if caught out in a lie, tell a bigger one. There was credible third-party evidence of the indiscriminate attacks on civilian targets, the rape of children and elderly women and the destruction of water supplies, electricity plants, hospitals, bridges and roads, churches, mosques and cultural property, as well as the displacement of over a million people. The

witnesses included Amnesty International, Human Rights Watch, the Executive Director of UNICEF and the Emergency Relief Coordinator of the United Nations Office of Humanitarian Assistance. UNHCR was also in possession of the facts.

89. Mr. MVUMBI (Democratic Republic of the Congo) said that the observer for Uganda could not deny the evidence. A report by Human Rights Watch in March 2001, following upon the State Department country report of February 2001 stated that, in the north-eastern Congo, Uganda played the role of both arsonist and fireman, extracting the country's wealth and interfering with national life. The experts appointed by the Security Council would undoubtedly confirm that acts of pillaging had taken place.

90. Mr. TESHOME (Observer for Ethiopia) said that the heinous crimes perpetrated by the Eritrean Government on Ethiopian civilians in Eritrea, including torture, arbitrary detention and killings, had continued unabated. An NGO called Law Forum for Peace had documented with photographs 247 Ethiopians who had been abducted, tortured and murdered by Eritrean special forces. The victims had been innocent civilians engaged in craftwork and other informal trades.

91. According to reliable sources, the Eritrean regime carried out its campaign of persecution and killings through well-structured bodies composed of militias, members of the armed forces, and police. They implemented the regime's policy of intimidating Ethiopians to leave the country so as to make it appear that they did so of their own free will. The Commission should condemn such criminal acts and stop the new campaign of terror.

92. Mr. NAZARIAN (Observer for Armenia) said that the statement by the observer for Azerbaijan demonstrated that country's persistent lack of goodwill, which reinforced mistrust and animosity by falsely accusing Armenia and callously misrepresenting its role in the settlement of the Nagorny Karabakh issue. It was regrettable that he had embarked on such a destructive approach just when the Heads of State of the two countries had resumed their efforts to create a solid basis for the political settlement of the issue.

93. As for the statement by the observer for Turkey, it was deeply offensive to the victims and survivors of the 1915 genocide. He should apologize for his use of unacceptable terminology to describe a tragic event that had taken the lives of so many innocent Armenians. Turkey's human rights record left much to be desired both at home and abroad: Cyprus would not benefit from meaningless partition plans. Rather, the implementation of Security Council resolutions would contribute to the enjoyment of their human rights by all the island's inhabitants.

94. Mr. MUSAYEV (Observer for Azerbaijan) said that, whereas the Government of Armenia did not respect the norms and principles of international law, his own country was still committed to the peaceful settlement of the armed conflict. The relevant Security Council resolutions and the decisions of the Organization for Security and Cooperation in Europe (OSCE) and other organizations, would continue to form the basis for a settlement.

95. Armenia should understand that its own security would benefit from good neighbourly relations and stability. It should adopt a civilized approach to a peaceful settlement on the basis of territorial integrity and the inviolability of internationally recognized borders, together with a respect for human rights and fundamental freedoms, including those of minorities.

96. Mr. SUNGAR (Observer for Turkey) said that, although human rights violations were every nation's concern, the fact remained that strictures in that regard were irrelevant coming from a Government with standards so low that its citizens preferred to leave the country, a Government which, in open defiance of world opinion occupied its neighbour's territories and subjected those living under its occupation to the worst human rights violations.

97. If a way could not be found to stop those wishing to use the Commission for their short-sighted political gains, the result was bound to be acrimonious debates that merely harmed the Commission's credibility.

The meeting rose at 6.25 p.m.